

2
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED APR - 1 2008 CLERK, U.S. DISTRICT COURT By <u>BCY</u> Deputy

UNITED STATES OF AMERICA)
)
VS.)
)
RAFAEL MENDEZ HERRERA)

CASE NO.: 3:06-CR-192-N (23)

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

Rafael Mendez Herrera, by consent, under authority of United States v. Dees, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count(s) 1 of the Second Superseding Indictment. After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted, and that Defendant be adjudged guilty and have sentence imposed accordingly.

Date: April 1, 2008


UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).